

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

July 16, 2003

GSBCA 16119-TRAV

In the Matter of MARIE S. GILREATH

Marie S. Gilreath, Pensacola, FL, Claimant.

C. Fitch Boles IV, General Counsel, Office of the Staff Judge Advocate, Naval Air Station Pensacola, Department of the Navy, Pensacola, FL, appearing for Department of the Navy.

PARKER, Board Judge.

Background

Marie S. Gilreath, an employee of the Naval Air Station in Pensacola, Florida, attended a conference in Las Vegas, Nevada. The conference began on Monday, December 10, 2001, and ended on Thursday, December 13.

Ms. Gilreath's travel orders, which were approved with her requested travel dates, listed the date of departure as Saturday, December 8, two days before the conference began. The date of return was listed as Saturday, December 15, two days after the conference ended. Upon her return to Pensacola, the Navy determined that Ms. Gilreath should be reimbursed lodging and per diem expenses based on a constructive trip that began on December 9 and ended on December 14. According to the Navy, the two extra days claimed by Ms. Gilreath were for reasons related to her personal convenience and had nothing to do with Government business. Ms. Gilreath states that she scheduled an extra day at the beginning of her trip to "rest up" before the conference. She scheduled an extra day at the end of the conference because she felt that the savings in airfare more than offset the extra lodging and per diem costs she incurred. The Navy has provided information showing that the Government contract air carrier's fare from Las Vegas to Pensacola was the same for travel on both December 14 and December 15.

Discussion

Ms. Gilreath maintains that she is entitled to be paid per diem expenses for an extra day in Las Vegas prior to the conference and for an extra day in Las Vegas after the

conference because her travel orders authorized her to travel to Las Vegas on December 8 and return to Pensacola on December 15. This is incorrect.

The most basic rule governing temporary duty travel by federal employees is that the Government is authorized to pay only those expenses, including per diem expenses, essential to the transaction of official business. 41 CFR 301-2.2 (b) (2001). Simply put, Ms. Gilreath may not be paid per diem expenses for the extra day in Las Vegas prior to the conference, or for the extra day in Las Vegas after the conference, because her presence in Las Vegas during those days was not essential to the transaction of official business but was instead for reasons of personal convenience.

With regard to Ms. Gilreath's claim that she needed a day of rest before the conference began, it is true that in certain circumstances employees traveling within the continental United States on official business are entitled to a rest period of up to twenty-four hours. One of the conditions for authorizing such a rest period as official business, however, is that the scheduled flight time, including stopovers, exceed fourteen hours. 41 CFR 301-11.20. Ms. Gilreath's flight from Pensacola to Las Vegas did not take more than fourteen hours.

Ms. Gilreath's claim that she saved the Government money by staying in Las Vegas an extra day after the conference ended is simply without foundation. Although we do not know what flights Ms. Gilreath compared to arrive at this conclusion, we do know that the Government's contract carrier, which must be used when available (41 CFR 301-10.107), had seats available at the same prices for travel on both December 14 and 15.

Because there was no legitimate business reason for the additional two days in Las Vegas, we agree with the agency that Ms. Gilreath's stay there was for personal reasons and, therefore, that she is not entitled to per diem for those days. Although we recognize that Ms. Gilreath's travel orders permitted her to travel and return on specific dates, we disagree with Ms. Gilreath's argument that this fact permitted her to be paid per diem for the two personal days that she took. The travel orders permitted Ms. Gilreath to travel on certain dates -- they were not a certificate for a two-day all-expenses-paid vacation.

Decision

The claim is denied.

ROBERT W. PARKER
Board Judge